No. 96-8005-EOH Title: In Re Eileen Vey, Petitioner
Status: DECIDED

Counsel for petitioner: Vey,Eileen

Docketed: Counsel for respondent: Broman,Russell K.
February 25, 1997

Entry	Date	Note	Proceedings and Orders
1	Feb 24 1997	D	Petition for writ of habeas corpus and motion for leave to proceed in forma pauperis filed. (Response due March 27, 1997)
5	Feb 24 1997	D	Motion of petitioner for leave to proceed in forma pauperis filed.
3	Mar 6 1997		DISTRIBUTED. March 21, 1997 (Page 13)
4	Mar 24 1997		REDISTRIBUTED. March 26, 1997 (Page 12)
7	Apr 7 1997		REDISTRIBUTED. April 11, 1997 (Page 27)
8	Apr 14 1997		Motion of petitioner for leave to proceed in forma pauperis DENIED. Petitioner is allowed until May 5, 1997, within which to pay the docketing fee required by Rule 38(a) and to submit a petition in compliance with Rule 33.1 of the Rules of this Court. Dissenting opinion by Justice Stevens. Opinion per curiam.
10	May 28 1997		Case considered closed.

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EDITOR'S NOTE

THE FOLLOWING PAGES WERE POOR HARD COPY AT THE TIME OF FILMING. IF AND WHEN A BETTER COPY CAN BE OBTAINED, A NEW FICHE WILL BE ISSUED.

No. _____

In The
United States Supreme Court

OCTOBER TERM, 1996

In Re Eileen Vey

RECEIVED
FEB 24 1997
OFFICE OF THE CLERK,
SUPREME COURT, U.S.

Petition
For An Extraordinary Writ
HABEAS CORPUS

OR ALTERNATIVE
RULES 15.8, 18.10, 25.5
IN RE VEY No. 95-9203
SECOND SUPPLEMENTAL BRIEF

EILEEN VEY
804 CEDAR AVENUE
PITTSBURGH PA 15212

QUESTION PRESENTED

SHOULD THE U.S.SUPREME COURT GRANT THIS 13-YEAR PRIMA FACIE HABEAS CORPUS SUBSTANTIATED WITH PRIMA FACIE EVIDENCE AND NOW WITH NEW EXCULPATORY EVIDENCE AND MATTERS OF PUBLIC INTEREST CONCERNING THE D.A.'S OFFICE OPERATIONS.

No. _____

In The
United States Supreme Court Of America

OCTOBER TERM, 1996

In Re Eileen Vey

Petition For An Extraordinary Writ

HABEAS CORPUS

The Petitioner, Eileen Vey, hereby prays that this Honorable Court GRANT her extraordinary writ of PRIMA FACIE HABEAS CORPUS and THIS COURT DEMAND (MANDAMUS/PROHIBITION) all charges be dropped, due to 13-year voluminous prima facie evidence and NEW exculpatory evidence herein.

ORDERS BELOW

To the best of the petitioner's knowledge of this 13-year state case,the voluminous entries both state and federal (7-years) were all unofficial (28 USC § 2254) reports.

JURISDICTION

Jurisdiction is envoked under both the extraordinary writ, 28 USC § 1651 (a), and writ of certiorari, 28 USC § 2101 (e), of Rules 11 and 20.

CONSTITUTIONAL & STATUTORY PROVISION

Involved is the extraordinary writ of prima facie habeas corpus provided under The United States Constitution, Article I § 9 ¶ 2, "The Writ of Habeas Corpus shall not be suspended.." and 28 USC §§ 2241, 2242, 2254.

STATEMENT OF CASE

This 13-year state prima facie habeas corpus was exhausted about four times in the state's highest court, the PA Supreme Court, even though The Third Circuit decision of 1991 at CA3RD No. 91-3021 of DCWD OF PA No. 90-35 habeas corpus that state exhaustion was complete on Vey's first submission to the PA Supreme Court in 1988. This same above 90-35 case is appealed for reopening of case at CA3RD No. 97-3025 for exculpatory evidence of the appearance of the falsification of the state record, at which point appealability is the question.

This case was submitted for over seven (7) years in the federal court system, during which time petitioner served time

and has been on state parole five years now. Of the 13-year voluminous volumes of prima facie evidence submissions, the merits of case was only decided by the Third Circuit July 29, 1996 on appeal CA3RD No. 96-3224 DCWD OF PA NO. 94-2004, by the same one judge. Vey was never granted any relief, even though she had submitted volumes of prima facie evidence proving her case for 13 years in the state court system and 7 years in the federal court system. (EVIDENCE NEVER CHALLENGED)

This case (Habeas Corpus #2) DCWD OF PA No. 90-35 is presently appealed at CA3RD No. 97-3025 for reason of reopening due to falsification of the state record, (Habeas Corpus #3) DCWD OF PA No. 94-2004 appeal CA3RD No. 96-3224, was submitted again to the same judge of about seven years. and (Habeas Corpus #1)DCWD OF PA No. 89-1964 appealed at CA3RD No. 89-3800, had Trial Transcripts attached proving probable cause.

In brief, this is a "Battered Wife Syndrome" case in which the verdicts both state and federal were against the weight of the overwhelming evidence submitted by Vey. Instead, she continues with that of third degree murder and carrying a firearm without a license charges even though proof of (1) insanity, (2) justification - fearing for life, (3) and extraordinary circumstances at time warranting the gun law's "exception clause" was submitted repeatedly and relentlessly for 13 years now, a prima facie habeas corpus, evidence never challenged or disproved.

Vey challenges this court to examine this voluminous

evidence in this U.S. SUPREME COURT at No. 95-9203, in which case Vey did not have money to proceed and which appendix of voluminous evidence she is presently unable to present again here.

Beyond the above evidence, Vey has new exculpatory evidence and extraordinary public interest submissions to add to this petition for an extraordinary writ of habeas corpus.

REASONS FOR GRANTING WRIT

In compliance with Rule 20, it is obvious that **adequate relief** can not be obtained from any other court, since this case has been submitted relentlessly for over 13 years in a multitude of writs, litigation, and pleas for relief submitted to all branches of governments. Second, there are the elements of exceptional cirumstances: 1) **PUBLIC INTEREST**; (a) evidence tampering, (b) prosecution discrimination, (c) official oppression; and 2) **VEY'S NEW EXCU;PATORY EVIDENCE AND PHYSICAL CONDITION.** That is, Vey is disabled in wheelchair with medical problems, appearance of the state's falsification of the records submitted by them, Petitioner, Vey, being abandoned by counsel and having to do an extremely traumatic case of her own, forced to testify against self, a prima facie habeas corpus involved, Vey has claimed for years that she is "kidnapped under color of state law, etc.," jurisdiction due to time lenghth of justice, exculpatory evidence of traumatic brain damage and more

exculpatory prima facie evidence, bi-polar diagnosis, HAIR CHEMICALS CAUSING BRAIN ALTERATIONS (LEAD POISONING), amnesia evidence recently discovered, contamination of the evidence, bag evidence tampering, contamination of tragedy scene by officials, the alteration of the alleged "crime scene" by big business, and the press prejudicing case with slanderous statements by Pittsburgh Police prior to trial. (evidence tampering).

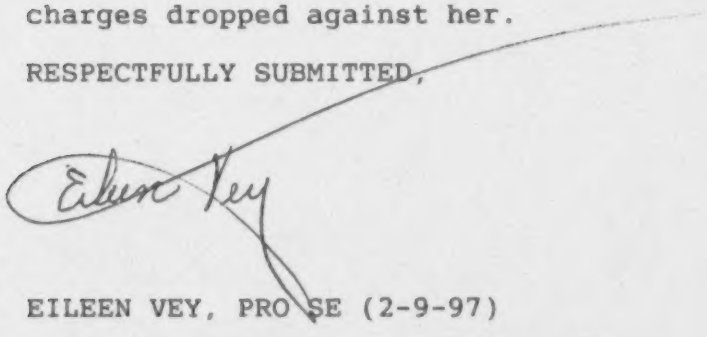
Third, all the above reasons of this case is an aid to the appellate jurisdiction.

Note importantly that THE U.S. SUPREME COURT NEVER HAS DECIDED ANY OF THE MERITS OF VEY'S MULTITUDE OF EVIDENCE SUBMISSIONS over the long years of her case, which always was blatantly clear of Reasonable Doubt and Evidence Tampering!

CONCLUSION

WHEREFORE, the Petitioner, Eileen Vey, hereby prays that this Honorable Court will GRANT an Extraordinary Writ of Prima Facie Habeas Corpus, a mandamus/prohibition order for all charges dropped against her.

RESPECTFULLY SUBMITTED,



EILEEN VEY, PRO SE (2-9-97)

OFFICE OF STAFF ATTORNEYS
UNITED STATES COURT OF APPEALS
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PHILADELPHIA, PA 19106-1790

MARCIA M. WALDRON
SENIOR STAFF ATTORNEY

TELEPHONE
(215) 597-2378

January 27, 1997

Mrs. Eileen Vey
804 Cedar Avenue
Pittsburgh, PA 15212

Re: Vey v. Wolfe
C.A. No. 97-3025
(W.D. Pa. Civ. No. 90-cv-00035)

Dear Mrs. Vey:

A notice of appeal has been filed from the final order of the district court denying a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 or § 2254, in a case in which "the detention complained of arises out of process issued by a State court." 28 U.S.C. § 2253 (as amended April 24, 1996). An appeal may not proceed to consideration of the merits unless a "circuit justice or judge" grants a certificate of appealability. Id.

As appellant has not submitted a formal application for a certificate of appealability, appellant's notice of appeal will be deemed to be such an application, and will be submitted by the Clerk of this Court to a panel of the Court for consideration. Cf. Third Circuit Local Appellate Rule (3rd Cir. LAR) 22.1. Appellant may file a memorandum of law in support of the application for a certificate of appealability within fourteen (14) days of the date of this letter. Any formal application for a certificate of appealability must be submitted at the same time as the memorandum of law. Any memorandum in opposition to issuance of a certificate of appealability must be filed within twenty-one (21) days of the date of this letter.

A memorandum in support of or in opposition to an application for a certificate of appealability may not exceed fifteen (15) pages in length. Cf. 3rd Cir. LAR 22.1. The Court requires an original and three (3) copies of any memorandum, and a certificate of service showing that all interested parties have been served with a copy of the document.

If the Court grants the application for a certificate of appealability, the Clerk will issue a briefing schedule. The appeal will be heard on the original record. 3rd Cir. LAR 30.2. If the appellant is indigent, counsel may be appointed on behalf of the appellant under the Criminal Justice Act. 18 U.S.C. § 3006A(a)(2)(B).

If the Court denies the request for a certificate of appealability, review may be sought in the United States Supreme Court. Davis v. Jacobs, 454 U.S. 912 (1981). Contact the Supreme Court at 1 First Street, N.E., Washington, D.C. 20543 (phone 202-479-3000) for information on how to seek such review.

The panel of this Court which considers the request for a certificate of appealability will carefully review the district court record and any pertinent state court records, together with any written submissions received from the parties. In an appropriate case, the Court may consider the question of issuance of a certificate of appealability and the merits of the appeal at the same time. Garrison v. Patterson, 391 U.S. 464 (1968); Guyer v. Beard, 907 F.2d 1464 (3d Cir. 1990). In such a case, the Court may, without further briefing, issue an order affirming, reversing, or vacating the district court opinion.

The parties will be advised of any Order issued in this matter.

Very truly yours,

Elizabeth A. Cormier

ELIZABETH A. CORMIER
Supervising Staff Attorney

EAC/je
cc: Maria V. Copetas, Esq.
Office of District Attorney
401 Allegheny County Courthouse
Pittsburgh, PA 15219

In The United States District Court
For The Western District of Pennsylvania

VEY

v.

WOLFE

Habeas Corpus 90-35
U.S. MAG. SENSENICH

MOTION TO REOPEN CASE DUE TO EXCULPATORY EVIDENCE OF CRIMINAL SUBMISSIONS OF FALSE DOCUMENTS

The oppressed plaintiff, Eileen Vey, hereby moves this court to reopen this case of about 7 years for reasons of the illegal manipulation of falsified documents that was apparent for years. That is, Vey has submitted voluminous documents, namely those of the Trial Transcripts and particularly the psychiatrist's statement that Vey did not know right from wrong. Yet when the district attorney submitted other documents that evidently stated the opposite, U.S. Magistrate never questioned the conflict, but chose those of the district attorney's submissions.

Because Vey was told that Federal Judges can do anything, she was intimidated and never challenged this falsification of the records and which records were continuously kept from Vey from viewing. Vey meets the challenge! Enough is enough!

Therefore, Vey moves this court to immediately see both the defendants and her for both the resolving of the records falsification and the granting of the Habeas Corpus. (Also this case is at No. 94-2004)

Bag Issue
Also

Respectfully submitted,

Eileen Vey

Eileen Vey, Pro Se

CERTIFICATE OF SERVICE

I, Eileen Vey, hereby certify that a true and correct copy of this document was served by First Class Mail on January 7, 1997 as follows:

RUSSELL K. BROMAN, ESQ.
ALLEGHENY CO A.D.A.
401 ALLEGHENY CO COURTHOUSE
PITTSBURGH PA 15219

Eileen Vey

EILEEN VEY
804 CEDAR AVENUE
PITTSBURGH PA 15212-4812
(412) 322-3131

Order by Court Jan. 9, 1997

The Motion to Reopen Case is Denied as petitioner has failed to state a factual or legal basis for the relief requested.

Sandra G. Androse

SUPREME COURT OF THE UNITED STATES

IN RE EILEEN VEY

ON MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

No. 96–8005. Decided April 14, 1997

PER CURIAM.

Pro se petitioner Eileen Vey seeks leave to proceed *in forma pauperis* and requests this Court to issue a writ of habeas corpus vacating her 13-year-old convictions.

This is not Vey's first filing in this Court. In the past 6 1/2 years, she has filed 11 petitions for certiorari, 12 petitions for extraordinary relief, and 2 applications for bail. All of these have been denied. For the first 14 of those submissions, we granted her motions to proceed *in forma pauperis*. Since then, we have five times denied her leave to proceed *in forma pauperis* under this Court's Rule 39.8.*

We again deny petitioner's motion to proceed *in forma pauperis*. Her various allegations are supported by nothing other than her own conclusory statements that they are true. Petitioner is allowed until May 5, 1997, within which to pay the docketing fees required by Rule 38 and to submit her petition in compliance with Rule 33.1. In light of her history of frivolous, repetitive filings, we direct the Clerk of the Court not to accept any further petitions for extraordinary writs from petitioner unless she first pays the docketing fee required by Rule 38 and submits her petition in compliance with Rule 33.

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*Rule 39.8 provides: "If satisfied that a petition for a writ of certiorari, jurisdictional statement, or petition for an extraordinary writ is frivolous or malicious, the Court may deny a motion for leave to proceed *in forma pauperis*."

2pp

We enter the order barring future *in forma pauperis* filings for the reasons discussed in *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1 (1992).

It is so ordered.

JUSTICE STEVENS, dissenting.

For reasons previously stated, see *Martin* v. *District of Columbia Court of Appeals*, 506 U. S. 1, 4 (1992), and cases cited, I respectfully dissent.